

## NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

May 19, 2017, 9:30 a.m.

This meeting was conducted via video and teleconference with minimal attendance at the NACO Conference Room in Carson City.

### ADOPTED MINUTES

The meeting was called to order at 9:33A

**Attendance:** President Phillips, Churchill County Commissioner Olsen, Douglas County Commissioner Thaler, Humboldt County Commissioner French, Dave Dawley, Nevada Assessors Association and NACO Staff (Jeff Fontaine, Dagny Stapleton, Tori Sundheim and Amanda Evans)

**Remote Attendance:** President Elect Weekly, Vice President Waits, Washoe County Commissioner Herman, Storey County Commissioner McGuffey, Nye County Commissioner Wichman, Elko County Commissioner Dahl, Eureka County Commissioner Goicoechea, Lyon County Commissioner Alt, Mineral County Commissioner Tipton and Catherine Bakaric, Nevada Treasurers Association.

**Other Attendees:** Sheree Stringer, Nye County Assessor; Denise Helton, Churchill County Assessor; Jana Seddon, Storey County Assessor; Jeff Johnson, Humboldt County Assessor; Lee Bonner, NDOT; Scott Lepenske and Brandon McPherson, DEVNET and two members of the public.

1. **Public Comment.** None was given.
2. **Approval of Agenda.** The agenda was approved on a motion by Commissioner Thaler with second by Commissioner Olsen.
3. **NACO President's Report.** President Phillips remarked on Graduation season and informed the Board of and congratulated Commissioner Kirkpatrick on her feature in the Profiles in Service portion of the National Association of Counties (NACo) publication County News.
4. **NACO Executive Director's Report.** Jeff notified the Board that Tori had been informed on Wednesday that she had passed the Nevada State Bar exam and is now a fully licensed to practice law in Nevada.
5. **Approval of Minutes of the April 28, 2017 NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Olsen with second by Commissioner French.
6. **Acceptance of NACO's March 2017 Financial Statements and April 28, 2017 Investment Reports.** Jeff referenced the statements and investment reports and reminded the Board that they are brought before the Board for review on a quarterly basis. The reports were accepted on a motion by Commissioner Olsen with second by Commissioner French.
7. **Update regarding the Phase-out of Advanced Data Systems used by Nevada's Counties.** Jeff informed the Board that a meeting of the Steering Committee had taken place on Monday during which the white paper prepared by the Assessors and Treasurers groups was discussed. Jeff also noted the inclusion of a paper on Joint Application Development (JAD) sessions which explains how that process works. He also noted that a draft document had been submitted from the Recorders regarding the ADS replacement – that document was not distributed because it had just been received. He noted that the white paper was prepared to document the vendor selection process as well as the development of the project management process for the implementation of the new program over the next two years. He noted the inclusion of information on interviews and site

visitations during the selection process. Jeff informed the Board that the system is less complex for the Recorders and will not require as much customization and that not all counties will need to make that conversion. It was also noted that live demonstrations are being conducted throughout the state and that, for those counties that have combined functions (ex. Recorder/Auditor), there may be multiple vendors selected. Jeff noted that there are some concerns with the proposed implementation timeline proposed by the Assessors and Treasurers and how any delays would affect those counties that would not be first for implementation. Carson City Assessor Dawley introduced the representatives of DEVNET in attendance to address any questions or concerns, Vice President of Client Services, Brandon McPherson and Vice President of Sales and Marketing, Scott Lepenske. The gentlemen noted the importance and complexity of the project. Commissioner Olsen noted the importance of the time management component of the project and what accountability there would be to ensure the meeting of milestones, deadlines and what would be done should there be delays in the development process. Mr. McPherson acknowledged the challenges faced with such a large project. He noted that the JAD sessions will be integral in determining different needs in each county at the onset of the project and will allow for additional meetings and discussions to occur regarding those needs at the beginning of the project. He noted that two of the owners of the company and three members of their board of directors are dedicated to the project and that will be expanding their project management team to include an office in Carson City. They also said that they will be assigning Senior Project Developers to the project and will pull in additional resources as necessary to ensure that the most experienced programmers are dedicated to the project. Assessor Dawley noted that Carson City had met with DEVNET earlier in the morning and Mr. McPherson complemented the close working relationships within the Assessors and Treasurers groups. Denise Felton, Churchill County Assessor noted that they already have a working group that met annually with ADS and that they are not opposed to having something similar including someone to document the process. She also noted that they are not opposed to providing progress reports to the individual BOCC's and that there have been discussions on the use of collaborative software to effectively include all necessary parties in the process. Commissioner French inquired as to if those in attendance represent the consensus of all those involved and it was clarified that all 15 Treasurers and Assessors came to the same decision. Mr. Lepenske acknowledged ADS and noted that their support will be integral to the process and that their service model was integral in the decision to open a regional office. Commissioner Olsen requested quarterly reports to the NACO Board to help ensure milestones are being met.

8. **Update on the Governor's Task Force for the Regulation and Taxation of Marijuana Act.** Dagny reminded the group that she is the group's representative on the Task Force and that the Task Force group had officially completed its work as instructed. She noted that the final meeting had been held the previous Friday and that all the working groups recommendations were either accepted or denied by the Task Force as a whole. She noted that the Department of Taxation will now be creating a report for the Governor's use in reviewing legislation and development of permanent regulations. She noted local government had a strong voice and that the report is expected to be released within the next several weeks. Commissioner French inquired regarding the memo released by the AG Sessions and how it would affect the marijuana laws in Nevada and Commissioner Thaler inquired about the possibility of facilities being allowed on tribal lands. Commissioner Thaler also noted that if the facilities are allowed on tribal lands that there will be no income coming to the counties to mitigate impacts and Dagny noted that those issues were brought up when a bill was proposed that would allow cities to license distribution facilities but that Board direction needs to be given on how to proceed. Commissioner French noted the violation of Federal law and that his BOCC's conversation included what happens to states in violation of the law and that there is the potential for funding losses. Commissioner French noted that a US Attorney has cited case law that shut down a marijuana festival that had been planned on tribal lands and that legal issues are still being flushed out not the least of which is liability coverage for counties.
9. **Update on the 2017 Legislative Session and Possible Action regarding NACO Priorities, including Budget Requests, Bills and other Measures.** Jeff noted that the session is expected to conclude in 18 days and that today was the deadline for second house committee passage. He informed the Board that 100's of bills are still in the money committees as they try to close budgets. He noted that the budget that closed for parole and probation the previous day and how will look into how it affects PSI's and the requests in SB8 and SB9. Jeff informed the Board that the NSHE budget had also closed which will have implications with regards to AB16 moving forward. He noted that county assessments seem to be the same as in previous years. He spoke about AB224 which will change the definition of developmental services to expand the definition to include children with visual

and hearing impairments which would add an additional \$1.9M to county assessments over the biennium - following a meeting with the sponsor of AB224 an amendment will be introduced to remove that language. Regarding AB16 and AB407 regarding Cooperative Extension, Jeff informed the Board that AB16 is in Ways and Means and that NACO met with the Chair to discuss the fiscal note and ways to fund the match of county dollars. AB407 which would split Cooperative Extension into two regions was amended to remove the county advisory committee but the split coupled with the granting of Land Grant status to UNLV remains. NACO opposed the bill. The Board was encouraged to engage other elected officials and community members on this issue. Commissioner Olsen inquired as to how land grant status could be granted retroactively by the Legislature. Jeff said that there are differing opinions from the AG's office and the LCB. AB271, regarding binding fact finding in collective bargaining was opposed by NACO but is still moving forward - the hope is for a veto because it rolls back reforms made in 2015. SB469 and SB356 regarding ending fund balances and changing the evergreen provisions are also moving forward and vetoes are hoped for as well. The Board was informed that AB43, NACO's property tax bill is dead and ACR7, which would require an interim study of property taxes, is also not moving forward. SJR14, however, passed the Senate and will be heard in Assembly Taxation the following Thursday, the bill would require a change to the Constitution to reset depreciation and abatements upon sale. The resolution would need to be passed again in the 2019 Legislature and would then go to a vote of the people in 2020. Commissioner Dahl inquired about SJR12 which would rescind SJR1 from 2015 and it was noted that it passed out of the Senate, the Assembly committee, and is expected to be passed out of the Assembly. It was also noted that it is not believed that resolutions can be vetoed but verification of that information will be obtained. Jeff noted that an amendment was offered and accepted on SB291 regarding the release of medical records based on concerns brought by law enforcement and coroners regarding the difficulty of obtaining records from hospitals. SB176 requiring body worn cameras was passed out of the Senate 20-1, passed the Assembly on general file the previous day and will be sent to the Governor. SB88 which will allow a funding mechanism for rural communities for the body cameras is still in Senate Finance and staff will work towards getting the bill a hearing. Commissioner Olsen inquired about AB224 and the clarification on the contracts, including how poverty levels were set. Jeff informed the Board that the contracts Commissioner Olsen was referencing were the ones discussed at the April meeting in regards to the billing for services provided to children with developmental disabilities. He noted that in the past counties were able to negotiate a cap but the new contracts do not include this option.. Jeff informed the Board that it is his opinion that the issue needs additional research and work. He encouraged each county to look at the issue closely in concert with their District Attorney. SB439 would enable BOCC's to enact a diesel tax and Jeff thanked those on the Board who have reached out to Legislators about the bill. It was noted that the best chance for passage would include an amendment that would authorize the enactment of an ordinance but would require a ballot measure after a trial period. Work is being done with the trucking industry to remove the fiscal note triggering a 2/3 vote requirement. However, it was noted that moving the bill forward will still be a heavy lift. President Elect Weekly noted that in Clark County it was imperative to educate the public on the matter and to include assurances that Nevada workers would receive the work enabled by the taxes. Commissioner Thaler noted that the enabling language of the bill and a flat rate would be easier to sell to both the Legislature and the voters. Jeff informed the Board that staff will work toward moving the issue forward. Jeff informed the Board that at this point in the Session policy bills have either been passed or died and it is now an issue of monitoring money bills. He also noted that AB40 regarding White Pine County's request for funding for a new court house has not been heard but it is expected to be very soon. Dagny added that the Chair of Ways and Means has indicated support for funding for voting machines and electronic poll books but the appropriations bill has not yet been released. She also noted that the SOS's bill that will allow for a lease of machines did pass out. Dagny also noted that the bills relating to recreational marijuana are working their way through and will continue to be monitored. Jeff added they have been adamant about making sure that funds are available to counties who zone out cultivation and distribution facilities because they will still have impacts. Commissioner French inquired about the status of SB127 that would allow for appointment of members to small districts, Dagny informed him that it was passed out of the Senate with no opposition and originally had no opposition in the Assembly but that there is suddenly opposition and NACO staff will work on the issue. Vice President Waits inquired about the indigent defense bill. It was noted that it received a short committee hearing and that Jeff had testified as neutral but made it clear that there was concern about the state keeping its commitment for funding.

#### **10. Update and Possible Action Regarding Public Lands and Natural Resources Issues Including:**

- a) **Updates to NACO's Public Lands and Natural Resources Federal Action Plan Approved January 27, 2017.** Commissioner Tipton referenced the work completed by the Public Lands and Natural Resources Committee the previous day on the plan. She requested the Board review the plan and authorize the sharing of the document at the WIR Conference the following week. Tori outlined the additions and changes made at the direction of the Committee. Commissioner Dahl noted that there would be added recommendations at and following the WIR Conference. Tori also noted that a letter had been sent to the House Natural Resources Committee with recommendations for changes to the Antiquities Act that differ from the current policy paper pursuant to the Board's last discussion on the issue and requested that the Board provide direction on incorporating those changes into the policy paper. Commissioner French noted that, regarding the item on large designations he would like to see a specific acreage called out that would require Congressional approval. President Phillips noted the inclusion of Local Stakeholder input and Commissioners French and Olsen noted that NGO's could not be excluded and that the inclusion of that language could create a box to check that does not include necessary coordination. Commissioner Olsen said that weighting local involvement might be a more effective way to get the necessary engagement. Commissioner Olsen also echoed the need for a specific acreage designation and feels the policy paper should be adjusted to match the current Action Plan. Staff was instructed to review the monuments designated up to the Nixon administration as a starting point for an acreage designation. The Board gave approval to share the document for discussion purposes at WIR and instructed staff to continue to work with the Committee on the Plan and bring it back to the Board. All staff direction was given by consensus.
- b) **NACO's Comments regarding "Waters of the U.S." (WOTUS) Rulemaking under the Requirements of Executive Order (EO) 13132—Federalism.** Tori informed the Board that the EPA and the Army Corps of Engineers reached out and provided a presentation on their desire for input on the new definition of WOTUS. She noted that she will be working on a proposed definition and to use that definition to answer the questions included in the presentation. She noted that she had sent a request for input to all of the counties and that she is working with other states and the Governor's office to put a comment letter together. She noted that the comments are due prior to the next Board meeting and asked for direction on who should review the draft comments. Commissioner French asked for a draft and Commissioner Dahl asked to be kept in the loop. No action was taken.
- c) **NACO's Efforts Seeking to Compel the U.S. Bureau of Land Management to Comply with the Provisions of the Wild Free-Roaming Horse and Burro Act.** Jeff reminded the Board that at the previous meeting following the briefing by Mr. Pollot the Board chose not to pursue any further appeals. He noted that the options going forward are the recommendation in the Federal Action Plan or to engage the State to work on the matter in cooperation. President Phillips requested a letter to the Governor regarding the issue and the impacts across the State and to bring it back to the Board in June. Commissioner Dahl also suggested sending a copy of the resolution passed in September by the National Wild Horse and Burro Advisory Committee with the letter to the Governor.
- d) **The BLM's and U.S. Forest Service's Greater Sage-Grouse Resource Management Plans including the Complaint for Declaratory and Injunctive Relief Filed by the State of Nevada and Seven Nevada Counties, and BLM's Sagebrush Focal Areas Withdrawal Environmental Impact Statement.** Jeff informed the Board that there are no new developments but will continue to monitor the situation and keep the Board updated.

11. **NACO Board Member Updates.** Commissioner Olsen informed the Board that Churchill County has completed several flood related projects and that with a snow pack 345% of normal they have already dealt with 100M acre feet of water with relatively minor impacts.

12. **Public Comment.** None was given.

The meeting was adjourned at 11:50A